

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BETH LYNN BOYSZA,

Plaintiff,

V.

02:03cv1526

JOHN W. THOMPSON, individually and in his capacity as Superintendent of the City of Pittsburgh Public Schools and the PITTSBURGH BOARD OF PUBLIC EDUCATION and the CITY OF PITTSBURGH SCHOOL DISTRICT,

Defendants.

ORDER OF COURT

Before the Court for disposition is the MOTION TO COMPEL PRODUCTION OF WITNESSES AND TO DEFER PROCEEDINGS ON DEFENDANTS' MOTION TO EXCLUDE TESTIMONY OF EDWARD PRUCHNIC filed by Plaintiff (*Document No. 78-1 and 78-2*) and the Reply in opposition filed by Defendants (*Document No. 80*). For the reasons that follow, the Motion will be denied.

Plaintiff filed the instant motion in response to Defendants’ Motion to Exclude the Testimony of Edward Pruchnic, Plaintiff’s designated education expert. Defendants had argued that the testimony of Mr. Pruchnic should be excluded because, *inter alia*, he “has no experience with the Pittsburgh Public Schools and their procedures and policies. . . .” Defs’ Br. at 4. Plaintiff argues in this Motion that “[t]his ‘Pittsburgh-specific’ argument is fundamentally unfair. Defendants have interfered with Plaintiff’s efforts to speak with witnesses who have the ‘Pittsburgh-specific’ information they claim Mr. Pruchnic must consider.” Pl’s Br. at 2.

By separate Memorandum Order of Court issued simultaneously herewith, the Court granted Defendants' Motion to Exclude the Testimony of Edward Pruchnic, but not on the grounds that he did not have experience with the Pittsburgh Public Schools and their procedures and policies. Rather, the Court found that Mr. Pruchnic's opinions related to issues that do not require expert testimony and are within the knowledge of lay persons. Fed. R. Evid. 702.

Accordingly, the Court finds that it is not necessary for the Plaintiff to obtain "Pittsburgh-specific" information and, thus, there is no need for the Court to order the production of either Mr. Lonnie Folino and/or Dr. Johnson Martin.

AND NOW, this 15th day of September, 2005, it is hereby **ORDERED** that the Motion to Compel Production of Witnesses and to Defer Proceedings on Defendants' Motion to Exclude Testimony of Edward Pruchnic is **DENIED**.

BY THE COURT:

s/Terrence F. McVerry
United States District Court Judge

cc: Adrian N. Roe, Esquire
Watkins, Dulac & Roe P.C.
Email: aroe@watkinsdulac.com

Kenneth J. Witzel, Esquire
Watkins, Dulac & Roe P.C.
Email: kwitzel@watkinsdulac.com

Ira Weiss, Esquire
445 Fort Pitt Boulevard
503 Fort Pitt Commons Building
Pittsburgh, PA 15219

John H. Rushford, Esquire
Email: john.rushford@verizon.net

Gregory A. Miller, Esquire
Buchanan Ingersoll
Email: millerga@bipc.com

Lisa M. Passarello, Esquire
Buchanan Ingersoll
Email: passarellolm@bipc.com

Mark R. Hornak, Esquire
Buchanan Ingersoll
Email: hornakmr@bipc.com